

# A Resolution

NO 3756-06-2009

## RE-ESTABLISHING FORT WORTH PUBLIC IMPROVEMENT DISTRICT NO 1 (DOWNTOWN PID) AND TAKING CERTAIN OTHER ACTIONS CONCERNING THE DISTRICT

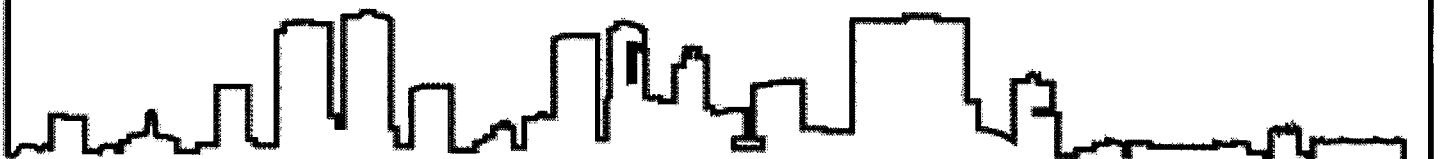
**WHEREAS** on April 30 2009 the City Council received a petition for the re-establishment of Fort Worth Public Improvement District No 1 (the “PID”) in accordance with Chapter 372, Texas Local Government Code (the “Code”) and

**WHEREAS** the City Attorney and City staff have reviewed the petition and determined that (i) the petition includes the information required by Section 372 005(a) of the Code, and (ii) the petition is sufficient because (a) in accordance with Section 372(b)(1) of the Code, it has been signed by owners of taxable real property representing more than fifty percent (50%) of the appraised value of taxable real property liable for assessment under the proposal set forth in the petition, as determined by the current roll of Tarrant Appraisal District, and (b) in accordance with Section 372 005(b)(2)(B) of the Code, it has been signed by record owners of real property liable for assessment under the proposal set forth in the petition who own taxable real property that constitutes more than fifty percent (50%) of the area of all taxable real property that is liable for assessment under such proposal and

**WHEREAS** in accordance with Section 372 009 of the Code, the City Council held a public hearing during its regular open and public meeting on June 23 2009 (the “Public Hearing”) concerning the following matters

- the advisability of re-establishing the PID;
- the general nature of the proposed improvements and services to be undertaken in the PID;
- the estimated costs of such improvements and services,
- the proposed boundaries of the PID;
- the proposed method of assessment; and
- the proposed apportionment of costs between the PID and the City as a whole; and

**WHEREAS**, in accordance with Section 372.009(c) of the Code, notice of the Public Hearing and all of the above-referenced information was published in the Fort Worth *Star Telegram*, a newspaper of general circulation in the City on June 7 2009 which date was before the fifteenth (15th) day prior to the date of the Public Hearing; and



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**WHEREAS**, in accordance with Section 372.009(d) of the Code, notice of the Public Hearing and all of the above-referenced information was mailed to all property owners subject to assessment under the proposal set forth in the petition on June 5, 2009, which date was before the fifteenth (15th) day prior to the date of the Public Hearing; and

**WHEREAS** final adjournment of the Public Hearing occurred on June 23, 2009, following receipt of all public comment concerning the above-referenced matters and the making by the City Council of the findings set forth herein,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS THAT**

**1 Findings.**

The City Council, after duly considering the evidence and testimony presented at the Public Hearing and based on all information known by the City Council, hereby makes the following findings:

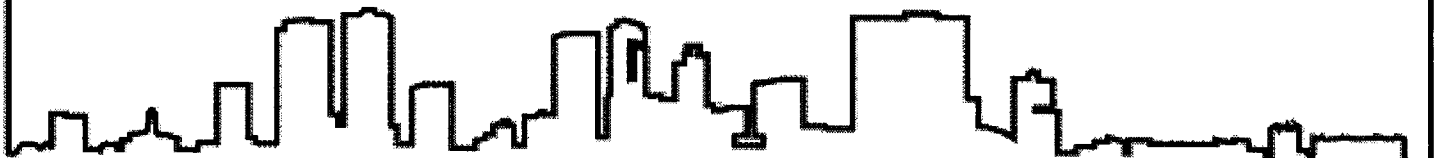
**1.1** It is advisable to re-establish the PID.

**1.2.** It is advisable that the City exercise the powers granted by Chapter 372 of the Code in connection with the re-establishment of the PID, including the undertaking of improvement projects and services that confer a special benefit on property in the PID and the levying and collection of special assessments on property in the district, based on the benefit conferred by such projects and services, to pay the costs of such projects and services.

**1.3** It is advisable that the following improvement projects and services be undertaken and provided in the PID, which projects and services are all hereby found to promote the interests of the City:

(a) An improvement district maintenance program consisting of supplemental street sweeping, sidewalk sweeping, sidewalk cleaning and supplemental trash receptacle pickup.

(b) An improvement district promotions program consisting of recreational and cultural enhancements and activities and the staging or monitoring of special recreational and cultural events.



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(c) An improvement district marketing and communications program consisting of advertising, marketing and other related communications, marketing events and cooperative merchandizing in cooperation with other Fort Worth organizations and non-profit entities.

(d) An improvement district security enhancement program consisting of the funding of the tack, veterinary supplies, feed and incidentals for the mounted patrol operating in the Central Business District; monitoring the existing bicycle, cruiser and mounted police officers to ensure adequate coverage of the PID a public relations crime prevention campaign, when necessary a public/private security force coordination program, and other security related projects on an as needed basis, when funds are available.

(e) An improvement district transportation and parking planning program consisting of a transportation management organization, parking coordination and management where feasible; way finding planning and projects, interface planning between various transportation modes and land uses, and the use of grants to leverage the development and implementation of transportation and parking-related programs which solve identified problems in the PID a circulator system between the major developments in the west area of downtown and the core retail area, when feasible.

(f) An improvement district management program to provide for the establishment, administration and operation of the PID

Such improvements and services will be a supplement to the standard existing level of City improvements and services and will constitute an added increment to the improvements and services normally provided to the taxpayers generally The City will continue to furnish or pay for standard improvements and services in the PID at the same level as they are generally provided to the taxpayers.

1.4. For the remainder 2008-09 fiscal year the estimated cost of the above referenced improvements and services, and estimated costs to implement such improvements and services, are based on the following fiscal year budget, originally approved by the City Council following Benefit Hearing No 235 and amended as follows

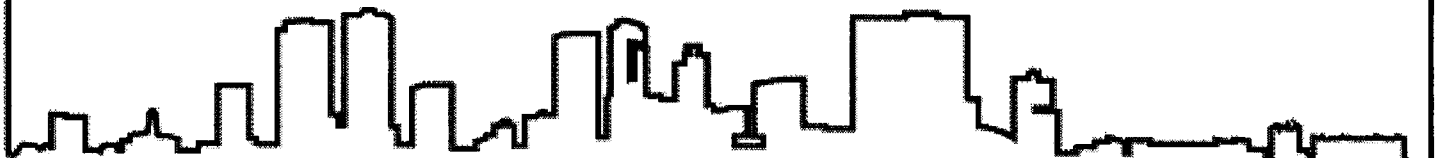


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Management Fee	\$317 865
Maintenance & Landscaping	\$1 229 322
Security Enhancement	\$80 000
Promotions	\$10 000
Marketing and Research	\$584 020
Transportation & Planning	\$505 890
Contingency	\$40 369
City Administration	\$46 431
<b>TOTAL</b>	<b>\$2,813,897</b>

Such estimated costs cover the entire 2008-2009 fiscal year not just the portion of such fiscal year between the date of adoption of this Resolution and September 30 2009 and are reasonable and appropriate. The estimated costs set forth above will be paid solely from prior years assessments. The estimated costs of improvements and services provided in subsequent fiscal years will be determined in subsequent annual budget and service plans approved by the City Council in accordance with Chapter 372 of the Code. Such costs will be paid from a combination of the prior years assessment balance (and any interest earned thereon) and assessments levied in accordance with Chapter 372 of the Code. The five (5)-year service plan proposed for the PID is attached hereto as "**Attachment 1**"

**1.5.** The boundaries of the PID proposed in the petition is the area bounded by the Burlington Northern Santa Fe Railroad tracks to the east; along Weatherford east to Nichols, north on Nichols to Belknap west on Belknap to Grove; north on Grove to Bluff; west on Bluff to Cummings, north on Cummings to the Trinity River south and west along the east shore of the Trinity River to Tenth Street; east on Tenth St. to Florence; south on Florence to Texas, east on Texas to the western boundary of the Tarrant County College District parking lot; south along the west boundary of the Tarrant County College District parking lot to the north curb of Lancaster Avenue; east along the north curb of Lancaster Avenue on the south to the Burlington Northern Santa Fe Railroad tracks and north along the Burlington Northern Santa Fe Railroad tracks until they intersect with Weatherford St. Such area is depicted on the map attached hereto as "**Attachment 2**"



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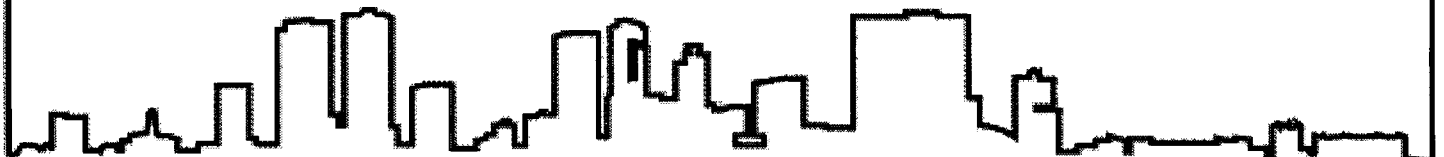
1.6. The method of assessment is proposed to be as follows

(a) Beginning in 2009 an annual budget and service plan will be approved by the City Council prior to the beginning of each fiscal year of the term of the PID in accordance with Section 372.013 of the Code.

(b) The cost of each improvement and service provided during a fiscal year will be assessed against real property within the PID benefitting from such improvement or service based on the value of such property including the value of structures or other improvements on the property as determined by Tarrant Appraisal District.

(c) No annual assessment during the term of the PID shall exceed \$0.14 per \$100 of the appraised value of real property and improvements located thereon unless this Resolution is amended following a public hearing held in accordance with Section 372.016 of the Code concerning the proposed adoption of an ordinance levying a higher assessment or implementing a different method of assessment authorized by Section 372.015 of the Code. The City will be responsible for payment of assessments against any tax-exempt property located in the PID. Otherwise, tax exempt properties or government-owned properties will not be assessed unless the owners of such properties enter into a contract with the City to pay assessments. All the taxable properties in the PID will be assessed equally unless this Resolution is amended following a public hearing held in accordance with Section 372.016 of the Code concerning the proposed adoption of an ordinance implementing a different method of assessment authorized by Section 372.015 of the Code.

Based on the improvements and services to be undertaken in the PID as outlined herein and in the service plan, the City Council hereby finds that the proposed method of assessment is reasonable and necessary



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**1.7** The apportionment of costs between the PID and the City as a whole is as follows

(a) The entire cost of each improvement and service will be paid from a combination of the prior years assessment balance (and any interest earned thereon) and assessments levied in accordance with Chapter 372 of the Code.

(b) Subject to Section 1.6(c) no City funds will be used to pay any portion of the cost of any improvement or service, unless such funding is approved from the City Council or other appropriate municipal authority on a case-by-case basis.

**2. Establishment of the PID, Term.**

Based on the findings set forth above, the PID comprising the boundaries set forth in Section 1.5 above is authorized to be re-established and shall continue to be known as Fort Worth Public Improvement District No. 1. The PID's boundaries may be expanded only by the same procedure required by Chapter 372 of the Code for establishment of the PID. The PID shall take effect on the later of July 21, 2009 or the date on which the City Council's authorization to establish the PID pursuant to and in accordance with this Resolution is published in a newspaper of general circulation in the City in accordance with Section 32.010(b) of the Code (the "**PID Effective Date**") and shall expire on the earlier of (i) September 30, 2029; (ii) the effective date of a Resolution dissolving the PID adopted by the City Council following receipt of a petition requesting dissolution and the holding of a public hearing to consider such dissolution in accordance with Section 372.011 of the Code; or (iii) the effective date of dissolution by any other lawful method provided for dissolution of a public improvement district pursuant to the Code, as it may be amended. Notwithstanding anything to the contrary herein, the PID shall continue in effect until all obligations of indebtedness for all previously authorized improvement projects and services in the PID have been fully satisfied and discharged. The PID shall be subject to all conditions, limitations, and reservations set forth in the findings in Section 1.

**3. Approval of Budget and Five-Year Service Plan.**

The budget and five (5)-year service plan for the PID as set forth in Section 1 and Attachment 1 hereof, are hereby approved.



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**4. Advisory Body**

The City Council may appoint an advisory body for the PID pursuant to Section 372.008 of the Code. If the City Council appoints such an advisory body the composition and membership thereof will be determined by the City Council in accordance with the Code. If the City Council does not appoint such an advisory body or if an advisory body appointed by the City Council no longer meets the requirements of the Code, the City Council hereby reserves the right to assign responsibility for preparation of the ongoing service plan for the PID to another entity in the absence of such an advisory body as authorized by Section 372.013(a) of the Code.

**5. Effectiveness, Restriction on Construction of Improvements.**

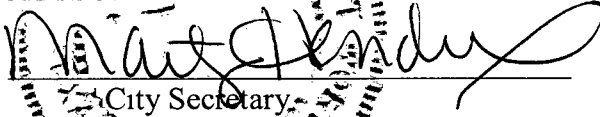
The City Council's authorization for establishment of the PID pursuant to this Resolution shall not take effect until the date as of which such authorization has been published in a newspaper of general circulation in the City in accordance with Section 372.010(b) of the Code (the "**Authorization Date**") All other provisions of this Resolution shall be effective from and after adoption of this Resolution. In accordance with Section 372.010(c) of the Code, actual construction of any improvement authorized under the approved service plan for the PID may not begin until after the twentieth (20th) day following the Authorization Date.

**6. Publication.**

The City Secretary is hereby directed to publish notice of the City Council's authorization to establish the PID once in a newspaper of general circulation in the City

ADOPTED this 23<sup>rd</sup> day of June 2009

ATTEST

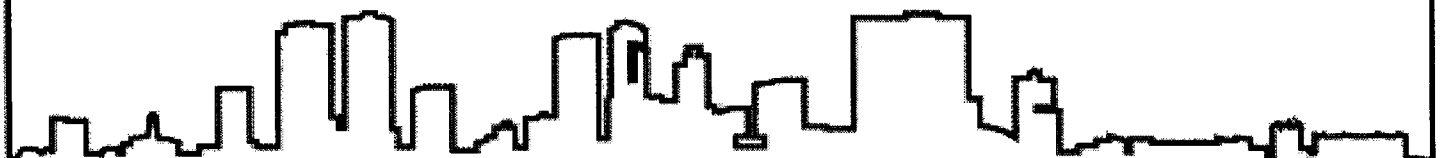
  
City Secretary



APPROVED  
CITY COUNCIL

JUN 23 2009

  
City Secretary of the  
City of Fort Worth, Texas



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**Attachment 1**

**Budget and Five-Year Service Plan  
for PID 1 (Downtown)**

**City of Fort Worth  
PROPOSED FIVE YEAR SERVICE PLAN  
Public Improvement District No. 1 DOWNTOWN**

	<u>FY08/09</u>	<u>FY 09/10</u>	<u>FY10/11</u>	<u>FY11/12</u>	<u>FY12/13</u>
<b>REVENUES</b>					
Private Assessment Revenues	1,837,605	1,858,105	1,904,560	1,952,170	2,000,975
CFW Assessment Revenues	185,867	204,714	208,800	212,300	216,550
City Payment in-lieu of Services	132,785	135,783	138,500	141,270	144,095
PID Generated Revenue	143,715	159,358	162,590	175,780	169,095
Interest	30,000	25,000	25,500	26,000	27,500
Prior Year's Assessment	<u>483,925</u>	<u>50,000</u>	<u>60,000</u>	<u>60,000</u>	<u>60,000</u>
<b>Total Revenues</b>	<b><u>2,813,897</u></b>	<b><u>2,432,960</u></b>	<b><u>2,499,950</u></b>	<b><u>2,567,520</u></b>	<b><u>2,618,215</u></b>
<b>EXPENSES</b>					
Management Fee	317,865	340,250	349,387	359,090	369,021
Maintenance & Landscaping	1,229,322	1,180,514	1,200,490	1,236,696	1,255,793
Security Enhancement	80,000	86,427	88,155	89,918	93,490
Promotions	10,000	10,000	10,000	10,000	10,000
Marketing and Research	584,020	440,607	458,643	467,435	478,345
Transportation & Planning	505,890	338,000	355,184	365,338	371,546
Contingency	40,369				
City Administration	<u>46,431</u>	<u>37,162</u>	<u>38,091</u>	<u>39,043</u>	<u>40,020</u>
<b>Total Expenses</b>	<b><u>2,813,897</u></b>	<b><u>2,432,960</u></b>	<b><u>2,499,950</u></b>	<b><u>2,567,520</u></b>	<b><u>2,618,215</u></b>



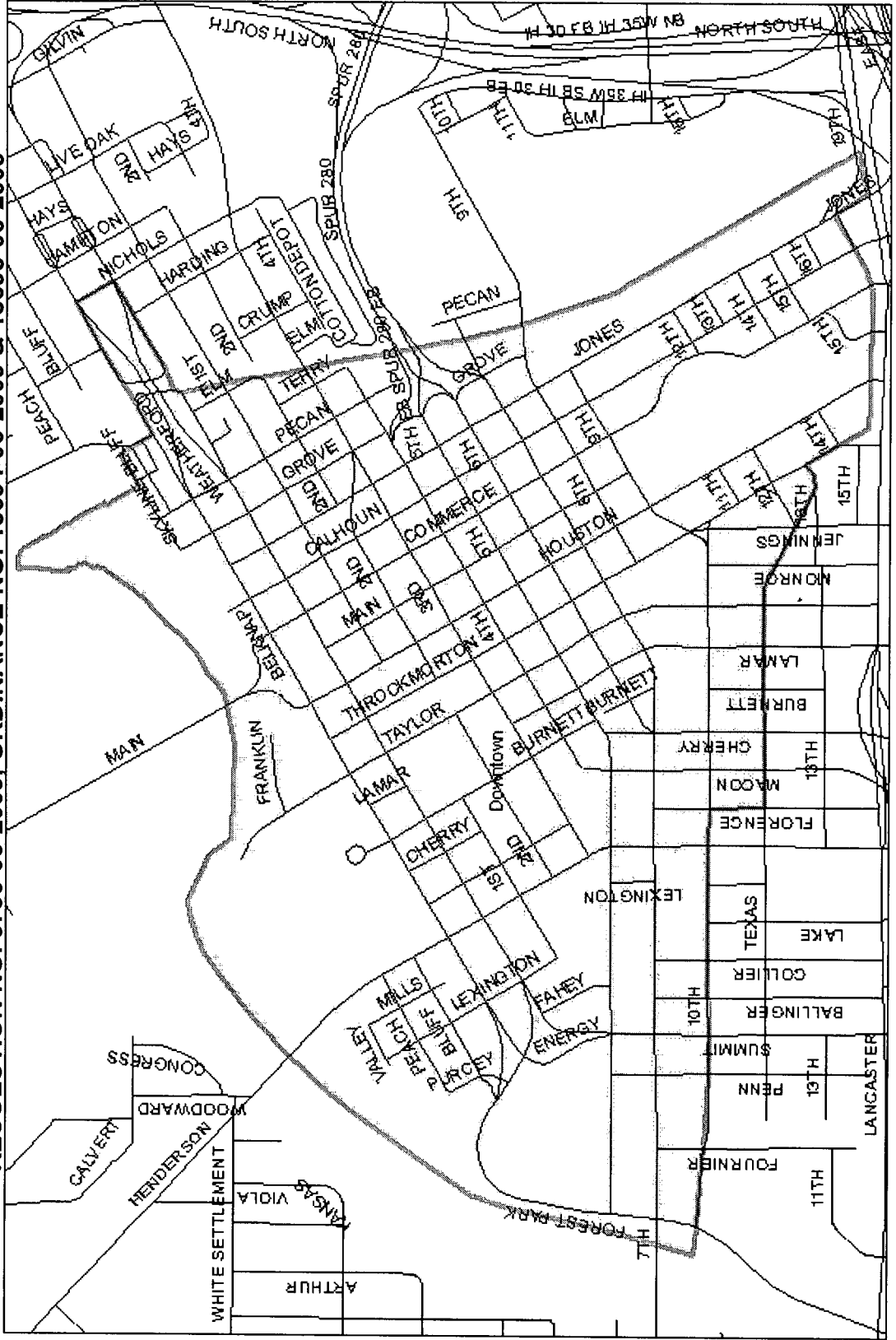
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Attachment 2

**Map of Downtown PID**

# PID #1 - Downtown

RESOLUTION NO. 3756-06-2009, ORDINANCE NO. 18694-06-2009 & 18695-06-2009



**City of Fort Worth, Texas**  
**Mayor and Council Communication**

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**COUNCIL ACTION** Approved on 6/23/2009 Res. No. 3756-06-2009, Ord. No. 18694-06-2009 & 18695-06-2009

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**DATE** Tuesday June 23 2009  
**LOG NAME** 17PID1PUBHEAR TO RE-EST

**REFERENCE NO** C-23627

**SUBJECT**

Declare the Sufficiency of a Petition Requesting the Re-establishment of Fort Worth Public Improvement District No 1(Downtown PID), Conduct Public Hearing Regarding the Proposed Re-establishment of the District and the Improvements and Services to be Undertaken Adopt a Resolution Re-establishing the District, Adopt a Budget and Service Plan for the District, Adopt Related Appropriation Ordinances and Authorize Related Funds Transfer and Authorize Execution of a Contract for Management Services in the District with Downtown Fort Worth Inc.

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**RECOMMENDATION**

It is recommended that the City Council

- 1 Find that the petition requesting re-establishment of Fort Worth Public Improvement District No 1 (Downtown PID) meets the requirements necessary for the City Council to designate the proposed area as a public improvement district pursuant to Chapter 372 of the Texas Local Government Code based on the petition summary attached hereto
- 2 Hold a public hearing to consider the following matters.
  - The advisability of re-establishing the Downtown PID for a term of approximately 20 years expiring September 30 2009
  - The general nature of the proposed improvements and/or services to be undertaken in the Downtown PID (Section 1 3 of the attached Resolution);
  - The estimated costs of the improvements and/or services (Attachment 1 of the attached Resolution);
  - The proposed boundaries of the Downtown PID (Section 1 5 and Attachment 2 of the attached Resolution), and
  - The proposed methods of assessment;
- 3 Adopt the attached Resolution which (i) makes certain findings concerning the nature and advisability of the improvements and services to be provided in the Downtown PID the estimated costs the boundaries of the Downtown PID the method of assessment and the apportionment of costs between the Downtown PID and the City as a whole (ii) re-establishes the Downtown PID and (iii) approves the budget and a five-year service plan for the Downtown PID
- 4 Direct the City Secretary to publish notice of the re-establishment of the Downtown PID as required by Chapter 372 of the Texas Local Government Code
- 5 Adopt the attached appropriation ordinance increasing estimated receipts and appropriations by \$46 650 in the Special Assessment District Fund (Public Improvement District No 1 Fiscal Year 2009

Project Account)

6 Authorize the transfer of \$1,290 00 for administrative fees from the Special Assessment District Fund (Public Improvement District No 1 Fiscal Year 2009 Project Account) to the Special Trust Fund

7 Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Special Trust Fund for \$1 290 00 from available funds and

8 Authorize the City Manager to execute a contract with Downtown Fort Worth Inc. to provide management services to the Downtown PID

## **DISCUSSION**

Fort Worth Public Improvement District No 1 (the Downtown PID) will expire on July 20 2009 On April 30 2009 the City received a petition requesting re-establishment of the Downtown PID for a 20 year term The staff has reviewed the petition and determined that it contains sufficient signatures and meets other requirements of Chapter 372 of the Texas Local Government Code necessary for the City Council to re-establish the Downtown PID

The Downtown PID comprises most of what is considered downtown Fort Worth The actual property description and a map of the Downtown PID is set forth in Section 1 5 and Attachment 2 of the attached Resolution Proposed improvements and services to be undertaken in the Downtown PID include a maintenance program a promotions program a marketing and communications program a security enhancement program a transportation and planning program and a district management program as more specifically described in Section 1 3 and Attachment 1 of the attached Resolution The term of the re-established Downtown PID will be approximately 20 years taking effect on the later of July 21 2009 or the date that notice of the City Council's adoption of the attached Resolution re-establishing the Downtown PID has been published in a newspaper of general circulation in the City and expiring on September 30 2029

The Downtown PID will continue to be managed by Downtown Fort Worth Inc

On September 9 2008 (M&C BH-235) the City Council adopted a budget for the 2008-2009 fiscal year and 5-year service plan for the Downtown PID Typically the City Council is asked to approve appropriate mid-year adjustments for all PIDs following the staff's mid-year review of PID budgets Because the Downtown PID is expiring in the midst of the 2008-2009 fiscal year City staff recommends that the City Council fulfill this task by approving the revised 2008-2009 fiscal year budget as the initial budget for the re-established PID as set forth in Section 1 4 of the attached Resolution The proposed 2008-2009 fiscal year budget revisions together with explanations are as follows

<b>Line Item</b>	<b><u>Approved Budget</u></b>	<b><u>Mid-Year Adjustments</u></b>	<b><u>Revised Budget</u></b>
Management Fee	\$324 200 00	(\$6 335 00)	\$317 865 00
Maintenance & Landscaping	\$1 275 200 00	(\$45 878 00)	\$1 229 322 00
Security Enhancement	\$114 877 00	(\$34 877 00)	\$80 000 00
Promotions	\$10 000 00	\$0 00	\$10 000 00
Marketing and Research	\$538 142 00	\$45 878 00	\$584 020 00
Transportation & Planning	\$419 318 00	\$86 573 00	\$505 890 00
Contingency	\$40 369 00	\$0 00	\$40 369 00
City Administration	<u>\$45,141.00</u>	<u>\$1,289.00</u>	<u>\$46,431.00</u>
<b>TOTAL</b>	<b>\$2 767 247 00</b>	<b>\$46 650 00</b>	<b>\$2 813 897 00</b>

Explanation

- 1 A \$45 878 00 decrease in Maintenance and Landscaping,
2. A corresponding increase to Marketing for the 'You Get it When you Get Here' marketing campaign
- 3 A \$34 877 00 decrease in Security;
- 4 A \$36 572 00 increase to Transportation and Planning/special projects for the gateway program and \$50 000 00 in additional assessments to re-design and upgrade the General Worth Square where a statue of JFK (gift to Fort Worth) will be erected
- 5 A decrease of \$6 335 00 from savings in the Management Fee, and
- 6 An increase of \$1,290 00 paid to City (the City Administration Fee), based on two percent of sum of assessments for the 2008 tax year

Improvements and services provided for the remainder of the 2008-2009 fiscal year will be paid from the balance of assessment revenues currently on deposit in the Downtown PID fund. A benefit hearing will be scheduled in September 2009 to approve the budget for the 2009-2010 fiscal year and to levy assessments to fund the improvements and services provided in that year.

The property within the Downtown PID is located in COUNCIL DISTRICT 9

**FISCAL INFORMATION / CERTIFICATION**

The Financial Management Services Director certifies that upon approval of the above recommendations and adoption of the attached appropriation ordinances funds will be available in the current operating budgets as appropriated of the Special Assessment District Fund and the Special Trust Fund

**FUND CENTERS**

<b><u>TO Fund/Account/Centers</u></b>		<b><u>FROM Fund/Account/Centers</u></b>	
5) GS87 488342 002501002000	\$46,650.00	6) GS87 539120 002501002000	\$1,290.00
5) GS87 539120 002501002000	\$46,650.00		
6) 7) FE72 481306 017587001000	\$1,290.00		
7) FE72 511010 017587001000	\$1,290.00		

**CERTIFICATIONS**

<b><u>Submitted for City Manager's Office by:</u></b>	Thomas Higgins (6140)
<b><u>Originating Department Head.</u></b>	Jay Chapa (6192)
<b><u>Additional Information Contact:</u></b>	Sylvia Flores (8550)